

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DERRICK MENTER : CRIMINAL ACTION
v. :
UNITED STATES OF AMERICA : NO. 11-159-1

ORDER

AND NOW, this 12th day of March, 2013, it is hereby ORDERED that the motion of defendant Derrick Menter "requesting a complete copy of government witness Robert Sacks trial testimony" (Doc. #57) is DENIED.

Defendant was found guilty by a jury of conspiracy to commit murder of the Chief Judge of the United States District Court for the District of New Jersey in violation of 18 U.S.C. § 1117. He was sentenced to life imprisonment on December 9, 2011. No direct appeal was taken. On December 7, 2012, he filed a motion under 28 U.S.C. § 2255 to vacate, set aside or correct his sentence (Menter v. U.S., Civ. No. 12-7526). The court denied his motion on January 30, 2013 and declined to issue a certificate of appealability.

Defendant now contends that witness Robert Sacks was offered an undisclosed agreement by the government in exchange for his testimony and that defendant has newly discovered

evidence that Sacks provided false testimony. Menter does not give any specifics to support his assertions.

Menter is plowing old ground. These issues were raised in his § 2255 motion and were found to be totally without merit.

Accordingly, his motion for a transcript is being denied on the ground that his request is frivolous. See 28 U.S.C. § 753(f).

BY THE COURT:

/s/ Harvey Bartle III

J.